

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Dirk Erickson, Ed Beeman, Thomas L. Pratt, Christiaan Steenbergen, Charles Robert Weirauch		
Assignee:	Dell Products L.P.		
Title:	Optical Medium Recognition System and Method With an Optical Drive Having Plural Lasers		
Serial No.:	10/722,712	Filing Date:	November 25, 2003
Examiner:	Gautam Patel	Group Art Unit:	2655
Docket No.:	DC-05756	Customer No.:	33438

Austin, Texas
June 25, 2007

Mail Stop Appeal Brief - Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR § 1.193

Dear Sir:

Applicants submit this Reply Brief pursuant to the Examiner's Answer mailed in this case on May 30, 2007. It is believed that no fees are due in connection with the filing of this Reply Brief, however, the Commissioner is authorized to deduct any amounts required for this Reply Brief and to credit any amounts overpaid to Deposit Account. No. 502264.

For the first time in the Examiner's answer, the Examiner provides remarks to "clarify" his position that "identification information" disclosed by Nishizawa is the "size itself" of pre-pits formed in an optical medium. The Examiner's answer at page 8 provides a detailed paragraph for the Board that explains the Examiner's position about the size of pre-pits. However, the Examiner bases this explanation on the knowledge of one of skill in the art without any supporting reference. Absent a reference from Nishizawa that specifies the relationship between pre-pit size and tracking error signals, the Examiner's rejection cannot stand. Further, the Examiner's explanation is incomplete, if not outright incorrect. At paragraph [0033], Nishizawa

explains that identification based upon track pitches (not pre-pit size) is performed by changing a focal point of the irradiating laser to generate a tracking error. Applicants note that the focal point differs between different types of optical media because of the different working distances used for different types of optical media. In any event, it is fundamentally unfair for the Examiner to withhold his explanation regarding “pre-pit size” until after prosecution of the application has proceeded to appeal.

Applicants respectfully submit that the Examiner’s clarification about pre-pit size fails to address the language used by Applicants’ claims because pre-pit size is not identification information. For example, Claim 10 recites “initiating use of the second laser according to the identification information if the attempt to read the identification information with the first laser succeeds.” Under the interpretation of Nishizawa offered by the Examiner, any attempt with any laser to read identification information would succeed since the attempt is only to determine tracking error based upon pre-pit size. If an attempt to read identification error with a first laser failed, Nishizawa would not perform “a detection algorithm with the first laser” to attempt to “identify the optical medium as associated with the first laser” as is recited by Claim 10. Similarly, Claim 1 recites that identification information detected with a first laser “identifies the optical medium as associated with a second of plural lasers.” Claim 16 recites that “embedded identification information disposed for reading by a second laser” identifies an optical medium “as associated with the first laser.” No basis exists for the Examiner’s rejection of Claim 17, which recites that the identification information is embedded on the protective surface, since Nishizawa does not define a working distance at the protective surface, as is clear from Figure 1A-1C. Thus, for the above reasons, Applicants respectfully submit that the Examiner’s rejections of Claims 1 – 20 are unfounded and should be reversed.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on June 25, 2007.

/Robert W. Holland/

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Respectfully submitted,

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